



Kentucky Laws & Penalties

- [Conditional Release](#)
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Offense	Penalty	Incarceration	Max. Fine
Possession			
Less than 8 oz	Misdemeanor	45 days	\$ 250
Sale or Trafficking			
Less than 8 oz (first offense)	Misdemeanor	1 year	\$ 500
Less than 8 oz (subsequent offense)	Felony	1 - 5 years	\$ 10,000
8 oz - 5 lbs (first offense)	Felony	1 - 5 years	\$ 10,000
8 oz - 5 lbs (subsequent offense)	Felony	5 - 10 years	\$ 10,000
5 lbs or more (first offense)	Felony	5 - 10 years	\$ 10,000
5 lbs or more (subsequent offense)	Felony	10 - 20 years	\$ 10,000
To a minor (first offense)	Felony	5 - 10 years	\$ 10,000

To a minor (subsequent offense)	Felony	10 - 20 years	\$ 10,000
Within 1000 yards of a school or park	Felony	1 - 5 years	\$ 10,000

Cultivation

Less than 5 plants (first offense)	Misdemeanor	1 year	\$ 500
Less than 5 plants (subsequent offense)	Felony	1 - 5 years	\$ 10,000
5 plants or more (first offense)	Felony	1 - 5 years	\$ 10,000
5 plants or more (subsequent offense)	Felony	5 - 10 years	\$ 10,000

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Possession of paraphernalia	Misdemeanor	1 year	\$ 500
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Penalty Details

Possession

Possession of up to 8 oz. of marijuana is a Class B misdemeanor, which is punishable by a maximum sentence of 45 days imprisonment and a maximum fine of \$250.

Possession of 8 oz. or more of marijuana shall be prima facie evidence that the person possessed the marijuana with the intent to sell or transfer it. - See Sale or Trafficking for penalties

See

- KRS § 218A.050(3) [Web Search](#)
- KRS § 218A.276 [Web Search](#)
- KRS § 218A.1421 & .1422 [Web Search](#)

Sale or Trafficking

The sale or trafficking of less than 8 oz. is a Class A misdemeanor for a first offense which is punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$500.

A second or subsequent offense for trafficking or selling less than 8 oz. of marijuana is a Class D felony, punishable by a sentence of 1-5 years imprisonment and a fine of not more than \$10,000.

The sale or trafficking of 8 oz.- less than 5 lbs. is a Class D felony which is punishable for a first offense by 1-5 years imprisonment and a fine of \$1,000-\$10,000. A second or subsequent violation of this section is a Class C felony, punishable by a sentence of 5-10 years imprisonment and a fine of not over \$10,000.

The sale or trafficking of 5 lbs. or more is a Class C felony which is punishable for a first offense by a sentence of 5-10 years imprisonment and a fine of \$1,000-\$10,000. For a second or subsequent violation of this section, the offender will be guilty of a Class B felony, which is punishable by a sentence of 10-20 years imprisonment.

The sale to a minor is a Class C felony which is punishable by a sentence of 5-10 years imprisonment and a fine of \$1,000-\$10,000.

A subsequent conviction for the sale to a minor is a Class B felony which is punishable by a sentence of 10-20 years imprisonment and a fine of \$1,000-\$10,000.

The sale within 1,000 yards of a school or park is a felony which is punishable by 1-5 years imprisonment and a fine of \$1,000-\$10,000.

See

- KRS § 218A.1401 & .1421 [Web Search](#)
- KRS §§ 532.020, .060, .090 [Web Search](#)
- KRS §§ 534.030 & .040 [Web Search](#)

Cultivation

Cultivation of fewer than 5 plants is a Class A misdemeanor for a first offense, which is punishable by a maximum sentence of 12 months imprisonment and a maximum fine of \$500. For a second or subsequent offense, the offender will be charged with a Class D felony, which is punishable by 1-5 years imprisonment and a fine of \$1,000-\$10,000.

Cultivation of 5 plants or more is a Class D felony for a first offense, which is punishable by 1-5 years imprisonment and a fine of \$1,000-\$10,000. A second or subsequent offense is a Class C felony which is punishable by 5-10 years imprisonment and a fine of \$1,000-\$10,000.

See

- KRS § 218A.1423 [Web Search](#)
- KRS § 532.060 & .090 [Web Search](#)

Hash & Concentrates

Hashish is listed as Schedule I hallucinogenic substance, but is punished exactly the same as marijuana infractions. See the penalties for marijuana above for further details on specific penalties.

See

- KRS § 218A.010(21) [Web Search](#)
- KRS § 218A.050(3) [Web Search](#)
- *Com. v. McGinnis*, 641 S.W.2d 45 (Ky. Ct. App. 1982). [Web Search](#)

Paraphernalia

Possession of paraphernalia is a Class A misdemeanor which is punishable by a maximum sentence of one year imprisonment and a maximum fine of \$500.

See

- KRS § 218A.500 [Web Search](#)

Miscellaneous

Prohibited activities

Unless another specific penalty is provided, any person who violates one of the following:

- Trafficking in any controlled substance except as authorized by law.
- Dispensing, prescribing, distributing, or administering any controlled substance except as authorized by law, for a first offense, shall be guilty of a Class D felony and a Class C felony for subsequent offenses.

Any person who possesses any controlled substance except as authorized by law shall be guilty of a Class A misdemeanor.

See

- KRS § 218A.1404 [Web Search](#)

Firearm

Any person who is convicted of any violation above who, at the time of the commission of the offense and in furtherance of the offense, was in possession of a firearm, shall:

- Be penalized one (1) class more severely than provided in the penalty provision pertaining to that offense if it is a felony; or
- Be penalized as a Class D felony if the offense would otherwise be a misdemeanor.

See

- KRS § 218A.992 [Web Search](#)

CONDITIONAL RELEASE

The state allows conditional release or alternative or diversion sentencing for people facing their first prosecutions. Usually, conditional release lets a person opt for probation rather than trial. After successfully completing probation, the individual's criminal record does not reflect the charge.

HEMP

This state has an active [hemp industry or has authorized research](#). Hemp is a distinct variety of the plant species cannabis sativa L. that contains minimal (less than 1%) amounts of tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana. Various parts of the plant can be utilized in the making of textiles, paper, paints, clothing, plastics, cosmetics, foodstuffs, insulation, animal feed, and other products. For more information see NORML's Industrial Use section.

MEDICAL CBD

This state has passed a [medical CBD](#) law allowing for the use of cannabis extracts that are high in CBD and low in THC to treat severe, debilitating epileptic conditions.

TAX STAMPS

This state has a marijuana [tax stamp](#) law enacted. This law mandates that those who possess marijuana are legally required to purchase and affix state-issued stamps onto his or her contraband. Failure to do so may result in a fine and/or criminal sanction. For more information, see NORML's report Marijuana Tax Stamp Laws And Penalties.

Kentucky CBD-Specific Marijuana Law

Status

2014

QUALIFYING CONDITIONS

- Intractable epilepsy

PATIENT POSSESSION LIMITS

Possession of CBD by persons who are acting outside of a state-sponsored clinical protocol is not permitted under the law.

HOME CULTIVATION

No

STATE-LICENSED DISPENSARIES

No

CAREGIVERS

No

RECIPROCITY

No

CONTACT INFORMATION

[N/A]